

1-1 By: Davis of Harris (Senate Sponsor - Schwertner) H.B. No. 2055
1-2 (In the Senate - Received from the House May 11, 2015;
1-3 May 15, 2015, read first time and referred to Committee on Health
1-4 and Human Services; May 22, 2015, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Schwertner</u>	X		
1-9	<u>Kolkhorst</u>	X		
1-10	<u>Campbell</u>	X		
1-11	<u>Estes</u>	X		
1-12	<u>Perry</u>	X		
1-13	<u>Rodríguez</u>	X		
1-14	<u>Taylor of Collin</u>	X		
1-15	<u>Uresti</u>	X		
1-16	<u>Zaffirini</u>	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the establishment of a sentinel surveillance program
1-20 for emerging and neglected tropical diseases.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle D, Title 2, Health and Safety Code, is
1-23 amended by adding Chapter 100 to read as follows:

1-24 CHAPTER 100. EMERGING AND NEGLECTED TROPICAL DISEASES

1-25 Sec. 100.001. DEFINITIONS. In this chapter:

1-26 (1) "Emerging disease" means a disease that is
1-27 appearing in a specific population for the first time or that is
1-28 increasing in incidence or geographic range.

1-29 (2) "Health facility" includes:

1-30 (A) a general or special hospital licensed by the
1-31 department under Chapter 241;

1-32 (B) a physician-owned or physician-operated
1-33 clinic;

1-34 (C) a publicly or privately funded medical
1-35 school;

1-36 (D) a state hospital or state school maintained
1-37 and managed by the department or the Department of Aging and
1-38 Disability Services;

1-39 (E) a public health clinic conducted by a local
1-40 health unit, health department, or public health district organized
1-41 and recognized under Chapter 121; and

1-42 (F) another facility specified by a rule adopted
1-43 by the executive commissioner.

1-44 (3) "Local health unit" has the meaning assigned by
1-45 Section 121.004.

1-46 (4) "Neglected tropical disease" means a parasitic or
1-47 bacterial disease that:

1-48 (A) occurs solely or principally in the tropics;

1-49 (B) is largely endemic in the developing world;
1-50 and

1-51 (C) has a potential to spread through
1-52 international travel or trade.

1-53 Sec. 100.002. CONFIDENTIALITY. (a) Except as specifically
1-54 authorized by this chapter, reports, records, and information
1-55 furnished to a department employee or to an authorized agent of the
1-56 department that relate to cases or suspected cases of a health
1-57 condition are confidential and may be used only for the purposes of
1-58 this chapter.

1-59 (b) Reports, records, and information relating to cases or
1-60 suspected cases of health conditions in the possession of the
1-61 department under this chapter are not public information under

2-1 Chapter 552, Government Code, and may not be released or made public
 2-2 on subpoena or otherwise except as provided by this chapter.

2-3 (c) The department shall release medical, epidemiological,
 2-4 or toxicological information:

2-5 (1) to medical personnel, appropriate state agencies,
 2-6 health authorities, regional directors, and public officers of
 2-7 counties and municipalities as necessary to comply with this
 2-8 chapter and rules relating to the identification, monitoring, and
 2-9 referral of individuals infected with an emerging or neglected
 2-10 tropical disease; or

2-11 (2) to appropriate federal agencies, such as the
 2-12 Centers for Disease Control and Prevention of the United States
 2-13 Public Health Service.

2-14 (d) The department may release medical, epidemiological, or
 2-15 toxicological information for statistical purposes, if released in
 2-16 a manner that prevents the identification of any person.

2-17 Sec. 100.003. LIMITATION OF LIABILITY. A health
 2-18 professional, a health facility, or an administrator, officer, or
 2-19 employee of a health facility subject to this chapter is not civilly
 2-20 or criminally liable for divulging information required to be
 2-21 released under this chapter, except in a case of gross negligence or
 2-22 wilful misconduct.

2-23 Sec. 100.004. COOPERATION OF GOVERNMENTAL ENTITIES.
 2-24 Another state board, commission, agency, or governmental entity
 2-25 capable of assisting the department in carrying out the intent of
 2-26 this chapter shall cooperate with the department and furnish
 2-27 expertise, services, and facilities to the program.

2-28 Sec. 100.005. SENTINEL SURVEILLANCE PROGRAM. (a) The
 2-29 executive commissioner shall establish in the department a program
 2-30 to:

2-31 (1) identify by sentinel surveillance individuals
 2-32 infected with emerging or neglected tropical diseases;

2-33 (2) maintain a central database of
 2-34 laboratory-confirmed cases of emerging and neglected tropical
 2-35 diseases; and

2-36 (3) use the information in the database to investigate
 2-37 the incidence, prevalence, and trends of emerging and neglected
 2-38 tropical diseases.

2-39 (b) In establishing the sentinel surveillance program for
 2-40 emerging and neglected tropical diseases, the executive
 2-41 commissioner shall consider:

2-42 (1) the location of health facilities that collect
 2-43 locally emerging and neglected tropical disease information; and

2-44 (2) the use, privacy, and security of existing data
 2-45 collected by health facilities.

2-46 (c) The executive commissioner shall adopt rules to govern
 2-47 the operation of the program and carry out the intent of this
 2-48 chapter, including rules that:

2-49 (1) specify a system for selecting the demographic
 2-50 areas in which the department collects information; and

2-51 (2) identify the specific emerging and neglected
 2-52 tropical diseases that are included in the sentinel surveillance
 2-53 program and the manner in which diseases will be added to the
 2-54 program as necessary to reflect changing conditions.

2-55 Sec. 100.006. DATA COLLECTION. (a) To ensure an accurate
 2-56 source of data, the executive commissioner may require a health
 2-57 facility or health professional to make available for review by the
 2-58 department or by an authorized agent medical records or other
 2-59 information in the facility's or professional's custody or control
 2-60 that relates to an occurrence of an emerging or neglected tropical
 2-61 disease.

2-62 (b) The department shall reimburse a health facility or
 2-63 health professional for the actual costs incurred by the facility
 2-64 or professional in making copies of medical records or other
 2-65 information available to the department.

2-66 (c) The executive commissioner by rule shall prescribe the
 2-67 manner in which information is reported to the department.

2-68 Sec. 100.007. DATABASE. (a) Information collected and
 2-69 analyzed by the department or an authorized agent under this

3-1 chapter may be placed in a central database to facilitate
3-2 information sharing and provider education.

3-3 (b) The department may use the database to:

3-4 (1) design and evaluate measures to prevent the
3-5 occurrence of emerging and neglected tropical diseases and other
3-6 health conditions; and

3-7 (2) provide information and education to providers on
3-8 the incidence of emerging and neglected tropical diseases.

3-9 Sec. 100.008. EDUCATIONAL AND INFORMATIONAL MATERIALS. The
3-10 department shall make available to health facilities and health
3-11 professionals:

3-12 (1) educational and informational materials
3-13 concerning emerging and neglected tropical diseases; and

3-14 (2) information on the importance of monitoring and
3-15 surveilling emerging and neglected tropical diseases.

3-16 SECTION 2. Not later than November 1, 2015, the executive
3-17 commissioner of the Health and Human Services Commission shall
3-18 adopt rules as required by Section 100.005, Health and Safety Code,
3-19 as added by this Act.

3-20 SECTION 3. This Act takes effect September 1, 2015.

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